

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/13/2024

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KIRAN VUPPALA,

Plaintiff,

-against-

JOEY PEPPERONI'S BROADWAY INC., *a New
York corporation doing business as Joey Pepperonis Pizzeria, and*
381 BROADWAY REALTY CORP., *a New York
corporation,*

Defendants.
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1:21-cv-2446-GHW

NOTICE OF INITIAL PRETRIAL
CONFERENCE

GREGORY H. WOODS, United States District Judge:

On July 11, 2024, the Court ordered Plaintiff to submit a letter by August 9, 2024 addressing the effect of Defendant 381 Broadway Realty Corp.'s bankruptcy proceeding on any claims Plaintiff may have brought in this case, including whether Plaintiff had filed a proof of claim in connection with the bankruptcy proceeding and whether any of his claims against 381 Broadway Realty Corp. were discharged in bankruptcy. Dkt. No. 22. If Plaintiff took the position that his claims were not discharged, Plaintiff was directed to "provide a detailed explanation for that position." *Id.*

On August 9, 2024, Plaintiff submitted a letter stating that he had not filed a proof of claim in the bankruptcy proceeding, and that "he cannot determine what effects the bankruptcy may have on the claims Plaintiff may have brought in [this] case" because "Plaintiff's attorney has not spoken with any counsel for 381 Broadway Realty Corp." Dkt. No. 24. The letter requested an adjournment of the August 16, 2024 Initial Pretrial Conference in this case so that Plaintiff can "re-serve the Defendants" following the bankruptcy proceeding. *Id.*

Plaintiff's request to adjourn the initial pretrial conference is granted. The initial pretrial conference scheduled for August 16, 2024 is adjourned to October 9, 2024 at 4:00 p.m. The joint

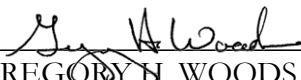
status letter and proposed case management plan described in the Court's July 11, 2024 order, Dkt. No. 23, are due no later than October 2, 2024.

Plaintiff is again ordered to file a memorandum of law by September 2, 2024 providing a detailed explanation of his position regarding the effect of the bankruptcy proceeding on this case, including whether Plaintiff can continue to pursue claims against 381 Broadway Realty Corp. Developing Plaintiff's position may require legal research, including as to the effect of the bankruptcy proceeding on Plaintiff's claims and the consequences of Plaintiff's failure to file a proof of claim despite being on notice of the bankruptcy proceeding. *See* Dkt. No. 12. The Court expects Plaintiff to develop his position regardless of whether Plaintiff is able to speak with counsel for 381 Broadway Realty Corp. Plaintiff is advised that the Court will not entertain the entry of default judgment against 381 Broadway Realty Corp. without a well-supported legal argument by Plaintiff explaining why his claims were not discharged in bankruptcy.

Plaintiff is directed to serve this order and the Notice of Initial Pretrial Conference order, Dkt. No. 7, on both Defendants. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 24.

SO ORDERED.

Dated: August 13, 2024
New York, New York



GREGORY H. WOODS
United States District Court Judge